

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
MIDDLE DIVISION**

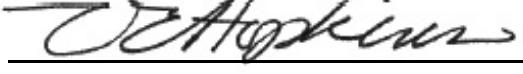
**TROY WAYNE ARNOLD,** )  
Plaintiff, )  
v. )  
**ETOWAH COUNTY SHERIFF'S** )  
**DEPT., and OFFICER SHANE** )  
**HARTLEY,** )  
Defendants. )  
Case No. 04:08-cv-1428-VEH-RRA

## MEMORANDUM OF OPINION

The magistrate judge filed a report and recommendation on October 7, 2008, recommending that this action filed pursuant to 42 U.S.C. § 1983 be dismissed for failing to state a claim upon which relief can be granted under 28 U.S.C. § 1915A(b). No objections have been filed.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the Court is of the opinion that the magistrate judge's report is due to be and is hereby **ADOPTED** and the recommendation is **ACCEPTED**. Accordingly, the complaint is due to be dismissed for failing to state a claim upon which relief can be granted pursuant to 28 U.S.C. § 1915A(b). A Final Judgment will be entered.

**DONE** and **ORDERED** this the 31st day of October, 2008.

  
**VIRGINIA EMERSON HOPKINS**  
United States District Judge